

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS**

**United States of America,**

**Plaintiff,**

**v.**

**Case No. 03-20051-08-JWL**

**Noe Espino,**

**Defendant.**

**MEMORANDUM & ORDER**

In 2004, Mr. Espino was found guilty of conspiracy to distribute and possess with intent to distribute 500 grams or more of methamphetamine. He was sentenced to life imprisonment. The Tenth Circuit affirmed his conviction and sentence on appeal and, in 2008, this court denied Mr. Espino's § 2255 motion. This matter is now before the court on Mr. Espino's motion for order (actually, a letter sent to the court which the Clerk of the Court appropriately docketed as a motion) in which Mr. Espino asks the court to reduce his sentence in light of Mr. Espino's good conduct while incarcerated and various accomplishments that he has achieved during his incarceration. While the court commends Mr. Espino for his efforts to rehabilitate himself, the court must dismiss Mr. Espino's motion because it simply is not authorized to reduce Mr. Espino's sentence under the circumstances described by Mr. Espino. A district court is authorized to modify a defendant's sentence only in specified instances where Congress has expressly granted the court jurisdiction to do so. *United States v. Price*, 438 F.3d 1005, 1007 (10th Cir. 2006) (citations omitted). Congress has not authorized district courts to modify prison sentences based on a defendant's good conduct or other accomplishments achieved

during a defendant's incarceration. The court, then, lacks jurisdiction to consider Mr. Espino's request.

**IT IS THEREFORE ORDERED BY THE COURT THAT** Mr. Espino's motion for order (doc. 653) is dismissed for lack of jurisdiction.

**IT IS SO ORDERED.**

Dated this 30<sup>th</sup> day of November, 2015, at Kansas City, Kansas.

s/ John W. Lungstrum  
John W. Lungstrum  
United States District Judge